

## **REMARKS/ARGUMENTS**

Claims 1-12 are pending in the application. Claims 13-58 are herein canceled. Applicant herein amends claims 1, 5 and 11 to more particularly define what Applicant considers to be his invention. Claim 5 is also amended to correct an inadvertent error with respect to the dependency of the claim. New claims 59-75 are added to further define what Applicant considers to be his invention. No new matter is added. Reconsideration is respectfully requested.

### **I. Claim Rejections – 35 U.S.C. § 112**

Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 5, the claim is herein amended to clarify that the operation is executed by programmed logic rather than directly by a human entity. With respect to claim 11, the claim is amended to clarify that the pairs of users are authorized to communicate by that one or more particular types of communications may not be permitted between the pairs of users.

Applicant respectfully requests that the Examiner withdraw the rejection with respect to claims 5 and 11.

### **II. Claim Rejections – 35 U.S.C. §103**

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,601,234 (“Bowman-‘234”) and U.S. Patent No. 6,640,244 (“Bowman-‘244”). Applicant respectfully traverses this rejection.

Claim 1 states in combination:

A networked commercial interaction management method,  
comprising the steps of:

distributing information bundles from different ones of a  
first plurality of different networked users to different ones of a  
second plurality of different networked users according to a  
machine-readable format that includes values for a plurality of

content attribute descriptors, a portion of said content attribute descriptors including business language definition descriptors; and  
deriving traffic statistics for the step of distributing based on values for the content attribute descriptors.

The Examiner asserts that Bowman-'234 discloses distributing information bundles ... according to a machine-readable format that includes values for a plurality of content attribute descriptors, citing to col. 233, lines 56 et seq. of Bowman-'234. However, neither the cited language nor any other section of Bowman-'234 discloses, for example, a “distributing information bundles... according to a machine-readable format that includes values for a plurality of content attribute descriptors, a portion of said content attribute descriptors including business language definition descriptors,” as is recited by claim 1 in combination with the remaining elements when claim 1 is interpreted as a whole. (Emphasis added.)

The present application defines bundles as including meta data and further defines business language definitions (“BDLs”) as specifying descriptive metadata of the bundle. (*See*, Application, p. 6, last paragraph.) Business language definitions include, for example, key words that have one or more values. Key words may include, for example, Sector, Ticker, Region, Country, Author, Firm, and/or Bundle Type. Without conceding that Bowman-'234 discloses any of the features of the present invention, the cited language of Bowman-'234 merely discloses data of messages sent from a sending system to a receiving system, where the data is translated based on meta-data. In the description of the information included in the meta-data, it is neither disclosed nor implied that the meta-data defined in Bowman-'234 includes “business language definition descriptors,” as recited by claim 1. A business language descriptor may be a particular keyword, which can have certain values, including multiple values. For example, business language descriptors defined to serve the securities industry may include Sector, Ticker, Region, and Country, as well as Author, Firm and Bundle Type.

As the combination of elements of claim 1, when interpreted as a whole, are not disclosed by Bowman-'234, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 1 and its dependent claims 2-12, which incorporate all of the features of claim 1.

Moreover, dependent claims 2-12 are independently patentable. An exemplary discussion follows.

With respect to claim 2, the Examiner asserts that the use of the term auditing in Bowman-'244 connotes "obviously" billing to another. Applicant respectfully disagrees that the combination of elements, when interpreted as a whole, recited in claim 2 is "obvious." Nothing in Bowman-'244 discloses "converting... traffic statistics into billing amounts," as is recited in claim 2. Applicant respectfully requests that the Examiner provide an affidavit under 37 C.F.R. 1.104(d)(2) supporting his assertion that the term "auditing" as used in Bowman-'244 connotes billing as recited in claim 2. As the combination of elements of claim 2, when interpreted as a whole, are not disclosed by Bowman-'244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 2 and its dependent claim 3, which incorporates all of the features of claim 2.

With respect to claim 3, the Examiner asserts that the setting of different destination as a billing event is a "mere" matter of design criteria. However, nothing in Bowman-'244 discloses "converting...traffic to different destinations to different billing amounts," as is recited in claim 3. Applicant respectfully requests that the Examiner provide an affidavit under 37 C.F.R. 1.104(d)(2) supporting his assertion that Bowman-'244 discloses the elements in claim 3, when claim 3 is interpreted as a whole. As the combination of elements of claim 3, when interpreted as a whole, are not disclosed by Bowman-'244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 3.

With respect to claim 4, the Examiner asserts that the system in Bowman-'244 is directed towards different user traffic. However, nothing in Bowman-'244 discloses "converting... traffic to billing amounts for events requested by programmed bundle processing logic," as is recited by claim 4. As the combination of elements of claim 4, when interpreted as a whole, are not disclosed by Bowman-'244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 4.

With respect to claim 5, the Examiner has not identified any particular section of the prior art that would anticipate claim 5 or make claim 5 obvious. Therefore, as the combination of

elements of claim 5, when interpreted as a whole, are not disclosed by the prior art, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 5.

With respect to claim 6, the Examiner asserts that Fig 72 of Bowman-‘244 illustrates an offer/acceptance scenario between provider and potential customer. Applicant respectfully disagrees. Neither the cited figure and accompanying description nor any other section of Bowman-‘244 discloses “deriving...statistics about the presentation of offer bundles and acceptance rates for these offer bundles,” as is recited by claim 6. Without conceding that Bowman-‘244 discloses any of the features of the present invention, Fig 72 of Bowman-‘244 merely depicts a client that is unable to find the services provided by a server via a network. *See*, Bowman-‘244, col. 213, lines 61-62.) Bowman-‘244 discloses nothing regarding statistics concerning the presentation of offer bundles and acceptance rates for these offer bundles. As the combination of elements of claim 6, when interpreted as a whole, are not disclosed by Bowman-‘244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 6.

With respect to claims 7 and 8, the Examiner takes “official notice” with respect to the practice of deriving statistics from internal information such as the types of bundles transferred and profiles of users involved in the transfers and then selling this information to marketing groups. Applicant respectfully requests that the Examiner provide an affidavit under 37 C.F.R. 1.104(d) (2) supporting his official notices.

Moreover, nothing in the cited references discloses “deriving statistics about the types of bundles transferred and information profiles for users involved in the transfers,” as is recited in claim 7. Nor do the cited references disclose “transferring the statistics to buy-side users,” as is recited in claim 8. As the combination of elements of claims 7 and 8, when interpreted as a whole, are not disclosed by Bowman-‘244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claims 7 and 8.

With respect to claim 10, the Examiner asserts that one of the cited references, Bowman-‘244 or Bowman-‘234, discloses using meta-tags which cause data to be written to a buffer or node of the customer, citing to col. 239, lines 60 et seq. Applicant is not certain to which

reference the Examiner is referring and respectfully requests clarification. However, neither the cited section in Bowman-'244 or Bowman-'234 nor any other section of these references discloses "wherein the bundles distributed ... include a data element reference and meta data describing the data element, and wherein each data element remains resident on a node of a data owner in a network," as is recited by claim 10. (Emphasis added.)

Without conceding that either Bowman-'244 or Bowman-'234 disclose any of the features of the present invention, the cited section of Bowman-'244 merely describes what meta-data is. The cited section of Bowman-'234 discloses using meta-data information to interpret raw data that has been written to a buffer. However, neither reference discloses that a data element remains resident on a node of a data owner in a network. As the combination of elements of claim 10, when interpreted as a whole, are not disclosed by Bowman-'244, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 10.

With respect to claim 11, the Examiner has not identified any particular section of the prior art that would anticipate claim 11 or make claim 11 obvious. Therefore, as the combination of elements of claim 11, when interpreted as a whole, are not disclosed by the prior art, Applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 11.

New claims 59-75 are added to further define what Applicant considers to be his invention. For example: claims 59 and 60 recite features regarding content attribute descriptors; claims 62-63 recite features regarding business language definition descriptors; claim 64 recites features regarding event tables; claim 65 recites features regarding information bundles; claims 66-67 recite features regarding usage of traffic statistics; claim 68 recites features regarding users proceeding from an untrusted phase to a trusted phase; claim 69 recites features regarding selecting information bundles to receive based on content attribute descriptors; claim 70 recites features regarding filtering information bundles based on content attribute descriptors; and claims 71-75 recites features of a networked commercial interaction management system.

## **CONCLUSION**

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above, for the sake of simplicity.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn, that the Application is in condition for allowance, and that such action is earnestly solicited.

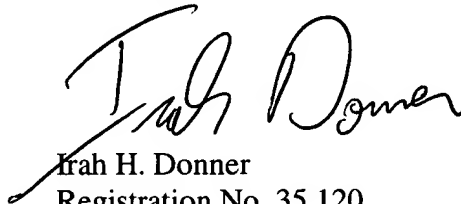
## AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully Submitted,

HALE AND DORR LLP



Ira H. Donner  
Registration No. 35,120

1455 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel: 202-942-8400  
Fax: 202-942-8484  
Date: 5/11/04